



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

September 12, 2019

By ECF

Hon. Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007

Re: *Cojocaru and Haber v. CUNY, et al.*, Case No. 19-cv-5428 (AKH)

Your Honor:

This Office represents Defendant the City University of New York (“CUNY”)¹ in the above-referenced action. As per the Court’s July 12, 2019 Order (ECF No. 22), the Defendants’ responses to the Complaint are due on September 16, 2019. On behalf of Defendants CUNY, Ric Curtis, Anthony Marcus, Barry Spunt, and Leonardo Dominguez, I write to request an extension until October 16, 2019, to answer, move, or otherwise respond to the Complaint.² This is the second request for an extension of time to respond to the Complaint; the Court granted the first request.³

As set forth in our July 10, 2019 letter to the Court, this Office must make a determination as to the representation of the four individual defendants pursuant to Public Officers Law § 17. The Office has been diligently undertaking the representation analysis, and anticipates issuing decisions concerning the representation of the four individual defendants shortly. We request this extension in order to issue those decisions and to allow sufficient time for the individual

¹ John Jay College is a senior college in the CUNY system and is not a “legally cognizable entity apart from CUNY.” *Clissuras v. City Univ. of N.Y.*, 359 F.3d 79, 81 n.2 (2d Cir. 2004) (per curiam), *cert. denied*, 543 U.S. 987 (2004).

² While this Office is not presently representing the individual defendants in this action, this extension is requested on their behalf for the limited purpose of protecting their litigation interests and avoiding default. *See* N.Y. Pub. Off. L. § 17(c).

³ This Office first requested an extension of time on behalf of Defendants CUNY, Curtis, Marcus, and Spunt. ECF No. 20. This Office later requested the same extension on behalf of Defendant Dominguez. ECF Nos. 23-24.

defendants to secure counsel, if necessary, and for all defendants to prepare an appropriate response to the Complaint. I contacted Plaintiffs' counsel this afternoon inquiring whether counsel consented to this request or, if not, the reason for counsel's objection but did not receive a response prior to the filing of this letter.

There is currently an initial conference scheduled for September 27, 2019. We respectfully request that the Court adjourn that conference until the aforementioned representation issues have been resolved and all of the defendants have had the opportunity to respond to the Complaint.

Accordingly, for the reasons above, we respectfully request that the time for Defendants to answer, move, or otherwise respond to the Complaint be extended to October 16, 2019. We thank the Court for its consideration of this request.

Respectfully submitted,

/s/
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To: counsel of record (via ECF)